REMARKS/ARGUMENTS

Claims 1, 2, 4-7, 9-12, 14, and 15 are pending in this application. Of these claims, claims 1, 6, and 11 have been amended. Claims 3, 8, and 13 are cancelled. For at least the reasons stated below, Applicants assert that all claims are in condition for allowance.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1, 2, 4-7, 9-12, 14, and 15 are rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Particularly, the Examiner notes that claims 1, 6, and 11 recited "a profile a user." Claims 1, 6, and 11 have been amended herein such that the phrase now reads "a profile of a user." Applicants respectfully assert that claims 1, 2, 4-7, 9-12, 14, and 15 are definite and request that the § 112 rejection be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 2, 6, 7, 11, and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGurl et al.* (U.S. Pat. No. 5,893,080) in view of *Polk* (U.S. Pat. No. 5,946,669). Claims 4, 5, 9, 10, 14, and 15 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over *McGurl, Polk,* and other various references. Because the combination of the cited references does teach or suggest all of the claim limitations Applicants respectfully opposes these rejections.

Section 2143 of the MPEP provides in part, "To establish a *prima facie* case of obviousness ... the prior art reference ... must teach or suggest all the Claim limitations." (emphasis added). Because the art of record, alone or in combination, fails to teach or suggest all of the claim limitations, Applicant respectfully requests that the Examiner's § 103 rejections be withdrawn.

(a)   *Supporting Communication Regarding Previous Financial Support Payments*

The present invention is generally directed towards a method for providing a network-based child support framework for facilitating communications between employers, custodial parents, and non-custodial patents. Previously, such information "could only be handled on the phone or in person with state agency staff." *See* Specification, p. 6, lines 4-9.

Specifically, the present invention relates to, *inter alia,* maintaining a database with child support payment information and providing that information to users. Importantly, the claimed invention is not directed towards making a child support disbursement as such, but rather the claims are directed towards tracking and storing disbursement information for payments that have already occurred in the past. This

is reflected in claim element (a) of independent claims 1, 6, and 11, which requires maintaining a database that includes information about <u>received</u> financial support payments, emphasizing that the claimed invention is directed towards communicating information between the relevant parties regarding <u>previous</u> transactions. Claim element (d) of independent claims 1, 6, and 11 further requires displaying a <u>history</u> associated with the child support system, reinforcing the focus of the claimed invention on providing information about historical payments rather than facilitating future disbursements.

The *McGurl* reference, in contrast, is directed towards a computerized payment disbursement system but makes no mention of a child financial support system, let alone providing <u>historical</u> information regarding <u>received</u> financial support payments. The *Polk* reference is also directed towards a payment and disbursement system, which may be used to facilitate employees making child support payments. *See* col. 1, lines 26-30. However, the system of *Polk* does not describe storing and displaying <u>past</u> child support payments or historical information associated with the payments that have already occurred as claimed. Rather, *Polk* is directed towards the disbursement of funds but does not describe how information relating to such disbursement is subsequently stored or made available to employers, custodial parents, and non-custodial patents as is claimed in the present invention.

Thus, the combination of *McGurl* and *Polk* fails to teach or suggest all of the limitations of claims 1, 2, 4-7, 9-12, 14, and 15.

(b)   *Amount of Child Financial Support is Calculated Based on Enumerated Factors*

The claimed invention also requires calculating the amount of child financial support based on enumerated factors. Specifically, claim element (c) of independent claims 1, 6, and 11 requires calculating the amount of a child support payment based on a user profile, which includes data relating to income, number of children, basic support, insurance premium, child care cost, and additional expenses. Neither *McGurl* or *Polk*, nor the other cited references, teach or suggest this limitation. As described in the disclosure, calculating the child support amount is a precise matter, based on specific criteria. *See* Specification p. 21, lines 6-28; *see, also*, Figs. 15, 16. Claim element (c) of independent claims 1, 6, and 11 reflects this aspect of the present invention.

In the Office Action dated December 18, 2002, the Examiner addresses the aforementioned criteria, stating:

> ...the information specified is different. However, these differences are only found in the nonfunctional data stored in the database. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed.Cir 1994).

See p. 3, lines 14-18. Applicants respectfully assert that the cases cited by the Examiner do not support the Examiner's position in this case. Specifically, these cases merely hold that printed matter that is not functionally related to the device will not distinguish a device from prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed.Cir 1994). Where printed matter is functionally related to a device, the device may reasonably be patentably distinguished from prior art.

For instance, the *Gulack* court held that a mathematical device invention was patentably different from the reference cited against the invention because there was a functional relationship between a particular sequence of digits—the printed matter—and the claimed device. *See In re Gulack*. Moreover, the *Lowry* court explicitly rejected the "printed matter" rationale, stating "the printed matter cases have no factual relevance here" because the data structures at issue were processed by a computer and were not accessible other than through sophisticated software systems. *In re Lowry*, 32 USPQ2d 1031, 1034. Accordingly, the *Lowry* court found that the claims at issue were nonobvious over the cited references based on the data structure limitations. *See id.* Notably, both the *Gulack* and *Lowry* courts reversed the U.S. Patent and Trademark Office Board of Patent Appeals and Interferences' findings of obviousness based on the "printed matter" rationale.

Section 2106 of the MPEP states "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." Claims 1, 2, 4-7, 9-12, 14, and 15 are explicitly directed towards a network-based framework (claims 1, 2, 4, and 5), a computer program embodied on a computer readable medium in a network-based framework (claims 6, 7, 9, and 10), and a system for a network-based framework (claims 11, 12, 14, and 15). The present claimed invention clearly recites functional descriptive material, and the criteria used to calculate the amount of a child support payment—namely income, number of children, basic support, insurance premium, child care cost, or additional expenses—are plainly "functionally related" to the operation of the claimed network-based framework. These criteria specifically give rise to the precise payment amount that is calculated. Accordingly, the "printed matter" cases, such as *Gulack* and *Lowry*, do not support the assertion of obviousness in this case.

Neither *McGurl* or *Polk* teach or suggest this limitation, and accordingly, the combination of *McGurl* and *Polk* fails to teach or suggest all of the limitations of claims 1, 2, 6, 7, 11, and 12.

(c)   *§ 103 Rejections are Therefore Improper*

For the above-indicated reasons, *McGurl*, *Polk* and the various other cited references, each alone, or in combination, fail to disclose or suggest <u>all</u> claim limitations in accordance with MPEP 2143. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejections.

CONCLUSION

Applicants submit that all pending claims are now allowable and respectfully request that a Notice of Allowance be issued in this case. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the undersigned can be reached at the telephone number listed below.

Should any additional fees be necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #60021-359701).

Respectfully submitted,

By _____

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